

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CYMULATE INC., BRIAN STONE,)
and EYAL WACHSMAN,)
)
Plaintiffs,)
)
v.) Civil Action No. 21-216-CFC
)
RYAN HARDY,)
)
Defendant.)

MEMORANDUM ORDER

Plaintiffs have filed a motion for a temporary restraining order and preliminary injunction (D.I. 5) and Plaintiffs' law firm has called chambers, alleging that the motion presents an emergent situation that requires my immediate attention. Plaintiffs seek by their motion an order precluding Defendant from filing a lawsuit in South Carolina. Plaintiffs argue the injunctive relief they seek is necessary because Defendant is "unjustifiably seeking to file claims in a South Carolina court that are subject to a valid and binding arbitration clause that requires the parties to arbitrate the covered claims in Delaware." D.I. 5 at 1.

I will deny Plaintiffs' motion because Plaintiffs have not demonstrated that Defendant's filing of a suit in South Carolina will cause them irreparable harm. Plaintiffs argue that they "will suffer irreparable harm through Defendant conducting discovery immediately, including intentionally harassing third-party

discovery, by way of loss reputation and loss of goodwill, the cost of objecting to such discovery, and the cost and inconvenience in achieving the inevitable, compelling arbitration of any and all claims against Plaintiffs.” D.I. 5-1 at 2. But obviously if Defendant brings claims in a South Carolina court that are covered by a mandatory arbitration clause, Plaintiffs can ask the South Carolina court to enforce the arbitration clause.

I will also bar Plaintiffs’ counsel from calling chambers again for the duration of this case. The idea that this meritless motion presented an emergency that required the Court’s immediate attention is preposterous.

Now therefore, at Wilmington this Twenty-fourth day of February in 2021, it is HEREBY ORDERED that:

1. Plaintiffs’ motion for a temporary restraining order and preliminary injunction (D.I. 5) is DENIED; and
2. Plaintiffs’ counsel is BARRED from calling chambers for the duration of this case. If contact with chambers is required, it shall be made by email or letter.



John F. Curran
United States District Judge